

## MEMORANDUM ENDORSED

**quinn emanuel trial lawyers | new york**

51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 FAX (212) 849-7100

March 1, 2022

**By ECF**

The Honorable Gregory H. Woods  
 United States District Judge  
 Daniel Patrick Moynihan U.S. Courthouse  
 500 Pearl Street, Room 1920  
 New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3/2/2022</u>
--

Re: *U.S. Bank National Association, in its capacity as Trustee, et al. v. The Charitable Donor Advised Fund, L.P., et al.*, No. 1:21-cv-11059 (S.D.N.Y.)

Dear Judge Woods:

We write on behalf of Plaintiffs U.S. Bank National Association, in its capacity as trustee (the “Trustee”), Joshua N. Terry (“Mr. Terry”), and Acis Capital Management, L.P. (“ACM,” and, collectively, with the Trustee and Mr. Terry, “Plaintiffs”) to respectfully request a one-month adjournment of the initial pre-trial conference presently scheduled for March 9, 2022. *See* Dkt. 10 at 3. Plaintiffs seek a one-month adjournment because Plaintiffs recently filed an Amended Complaint that adds a new defendant, NexPoint Strategic Opportunities Fund, whom Plaintiffs are in the process of serving. *See* Dkt. 15. An adjournment will permit Plaintiffs to effect service of the new defendant and will permit both the new defendant and the two other defendants, The Charitable Donor Advised Fund, L.P. (the “DAF”) and CLO Holdco Ltd. (“CLO HoldCo”), to file responsive pleadings to the Amended Complaint prior to the initial pre-trial conference. The additional time will also facilitate the completion of a more comprehensive joint status letter ahead of the pre-trial conference, incorporating input from all named parties. Counsel for Defendants DAF and CLO Holdco consent to the requested adjournment. Defendant NexPoint Strategic Opportunities Fund has not yet been served with the Complaint, and is therefore not impacted by the relief sought in this letter. Plaintiffs accordingly request that the initial pre-trial conference be adjourned to Thursday, April 7, 2022, or to such other time as may please the Court.

Respectfully submitted,

/s/ Jonathan E. Pickhardt

Jonathan E. Pickhardt

Quinn Emanuel Urquhart &amp; Sullivan, LLP

*Counsel for Acis Capital Management, L.P. & Joshua N. Terry*

Tel: (212) 849-7115

Email: jonathanpickhardt@quinnemanuel.com

/s/ Mark D. Kotwick

Mark D. Kotwick

Seward &amp; Kissel LLP

**quinn emanuel urquhart & sullivan, llp**

LOS ANGELES | NEW YORK | SAN FRANCISCO | SILICON VALLEY | CHICAGO | WASHINGTON, DC | HOUSTON | SEATTLE  
 LONDON | TOKYO | MANNHEIM | MOSCOW | HAMBURG | PARIS | MUNICH | SYDNEY | HONG KONG | BRUSSELS | ZURICH

*Counsel for U.S. Bank National Association*

Tel: (212) 574-1545

Email: kotwick@sewkis.com

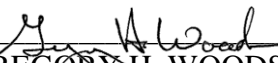
cc: Counsel of Record (by ECF)

Plaintiff's request to adjourn the pre-trial conference currently scheduled for March 9, 2022 is granted. The initial pre-trial conference is adjourned to April 27, 2022 at 3:00 p.m. The joint status update and proposed case management plan described in the Court's December 28, 2021 order are due no later than April 20, 2022.

SO ORDERED.

Dated: March 2, 2022

New York, New York

  
\_\_\_\_\_  
GREGORY H. WOODS  
United States District Judge